THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.7173 of 2005

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DATED: 24-01-2006

Between:

K.Sambasiva Rao . . .Petitioner

And

The General Manager, SBI, Hyderabad,

and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioner joined the service of State Bank of India in the year 1972 as a Probationary Officer. It is stated that for one reason or the other, the petitioner was irregular in attending to the duties from 1993 onwards and he completely stopped from attending to the duties from 1996 onwards. On 15-09-2001, the petitioner applied to the bank to permit him to retire voluntarily, on medical grounds. According to the petitioner, he was required to appear before the Medical Officer and thereafter, he was referred to a Government Mental Hospital at Yerragadda and that a report has since been received from that hospital. The grievance of the petitioner is that though the number of years have elapsed since submission of the application, the respondents have not taken any steps.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the initial application filed by the petitioner was found to be not in order and thereafter, it was treated as the one seeking voluntary retirement, on medical grounds. It is also ultimately observed that the petitioner was informed on 13-08-2005 about the necessity of submitting himself, for examination before the Medical Board.

Learned counsel for the petitioner submits that after the petitioner submitted an application for voluntary retirement on medical grounds, the respondents through a letter, dated 15-11-2002, required the petitioner to submit himself before the bank Medical Officer and on the basis of that report, he was required to appear before the Government Mental Hospital, Yerragadda, in March, 2003. He contends that the existing reports must be sufficient basis to process the application of the petitioner.

Learned standing counsel for the respondents, on the other hand, submits that the application filed by the petitioner in the year 2001 was found to be not in order and in that view of the matter, it has become necessary for undertaking fresh valuation of his medical conditions.

The application of the petitioner is pending with the respondents, since 15-09-2001. The petitioner made it abundantly clear that he seeks voluntary retirement on medical grounds. It was, in this context, he was subjected to test by the bank Medical Officer and thereafter, by the Government Mental Hospital, Yerragadda. Unless the reports of the bank Medical Officer as well as the Government Mental Hospital, Yerragadda, are either set aside or found to be not valid, the necessity for the respondents to require the petitioner himself to appear before the Medical Board, once again, does not arise. The record is not clear as to whether the respondents have discarded the reports received by them from the Medical Officer and the Government Mental Hospital, Yerragadda. The matter cannot brook any further delay. At any rate, the petitioner is not attending to the duties for the past about a decade. There is no point in keeping the matter pending further.

Therefore, the writ petition is disposed of, directing the respondents to pass final orders on the application of the petitioner seeking voluntary retirement on medical grounds, on the basis of the reports received by them from the bank Medical Officer as well as the Government Mental Hospital, Yerragadda, in the year 2001, within a period of two months from the date of receipt of a copy of this order. The necessity for the respondents to require the petitioner himself to a fresh medical examination would arise, if only the Medical Reports received by them on earlier occasions have been found to be inappropriate for the reasons be recorded. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

24th JANUARY, 2006.

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